IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Frenchis Gerald Abraham, Plaintiff,) Civil Action No.: 6:14-cv-1844-RMG)
V.)) ORDER
Lt. Brayboy, Lt. Cedric June, Ofc. Xavier Burroughs, Cpl. Frank Hickman, Ofc. J.)
Remond, Ofc. J. Barr, Sgt. Keith McBride,	
Ofc. Jennifer Macaulay, Ofc. K. King,)
Ofc. Finnley, LPN Courtney Dixon, Sgt.)
Martha Ramsay, Lt. Francis Bowman,)
Ofc. R. Cain, Ofc. Gerline Johnson,)
Cpl. P. Bells, Ofc. Atkinson, and Sgt.)
Daniel Cain,)
Defendant.)))

This matter comes before the Court on the Report and Recommendation ("R & R") of the Magistrate Judge. (Dkt. No. 39). For the reasons below, this Court adopts the R & R as the order of the Court.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made. Additionally, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate judge with instructions." *Id.*

Plaintiff filed his complaint on May 12, 2014. (Dkt. No. 1). On April 24, 2015, Defendants filed a motion for summary judgment, claiming that they had not been timely served

6:14-cv-01844-RMG Date Filed 03/01/16 Entry Number 77 Page 2 of 2

with copies of summonses or complaints. (Dkt. No. 29-1). The Magistrate Judge issued an

R & R recommending that Defendants' motion for summary judgment due to insufficient service

be denied. (Dkt. No. 39). Since this R & R was issued, the parties have addressed the

underlying service issues to some extent, and Defendants have filed a second motion for

summary judgment based, at least in part, on this updated information (Dkt. No. 62).

Accordingly, the Court ADOPTS the R & R as the order of the Court and DENIES Defendants'

first motion for summary judgment without prejudice as moot (Dkt. No. 29). This order has no

bearing on Defendants' second motion for summary judgment. (Dkt. No. 62).

AND IT IS SO ORDERED.

Richard Mark Gengel

United States District Court Judge

March 1, 2016

Charleston, South Carolina